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THE SOCIALIST ASYLUM

Market Socialism: The Debate Among Socialists

BERTELL OLLMAN, ED.
ROUTLEDGE, 1998, VII + 200 PGS.

One question about socialists has for many years puzzled me: how can they exist? The Soviet Experiment, the Chinese Great Leap Forward, etc. are now "one with Nineveh and Tyre"; but how can they have deceived a rational person for more than a moment?

The question can be made more pointed. Whatever the blindness of Western intellectuals before 1989, surely, one might think, no one can now be a socialist. Given socialism's manifest failures, the position seems about as plausible as the presidential candidacy of Harold Stassen.

Nevertheless, socialism is alive and well in the American academy, and this book helps us understand why. It consists of debates on market socialism conducted by four socialists in good standing. Two of them, David Schweickart and James Lawler, support market socialism; Hillel Ticktin and the editor, Bertell Ollman, oppose it.

I shall not hold readers in suspense any longer. The answer to the question posed above is a simple one: the socialists are stark, raving lunatics. They embrace socialism because they cling to the empty shibboleths of Marxism.

Only Mr. Schweickart earns partial clemency from this verdict: he is at least acquainted with the rudiments of economic thought. In his principal essay, he ably summarizes the standard Misesian and Hayekian case against socialism. A centrally planned economy "faces four distinct sets of problems: information problems, incentive problems, authoritarian tendencies, and entrepreneurial problems" (p. 12).

Mr. Schweickart's statement of the first of these problems, as set forth in the Mises–Hayek calculation argument, is excellent: "Production involves inputs as well as outputs, and since the inputs into one enterprise are the outputs of many others, quantities and qualities of these inputs must also be

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planned. But since inputs cannot be determined until technologies are given, technologies too must be specified. To have a maximally coherent plan, all of these determinations must be made by the center, but such calculations, interdependent as they are, are far too complicated for even our most sophisticated computational technologies. Star Wars, by comparison, is child's play" (p. 12).

Of course, no socialist in good standing can say an unqualified good word about the great Austrians. And so Mr. Schweickart feels impelled to add: "It is absurd to say...that Ludwig von Mises and Friedrich Hayek have been proven right by events, that a centrally-planned socialism is 'impossible.' To cite only the Soviet Union: an economic order that endured for three-quarters of a century...should not be called 'impossible'" (p. 12).

I cannot help but suspect that Mr. Schweickart really knows better. Mises and Hayek did not doubt the existence of Soviet Russia. Rather, they contended that a world socialist economy could not engage in rational economic calculation, for reasons well stated by Mr. Schweickart himself. The Soviet Union (as the contributors to this volume never tire of reminding us) was not fully centrally planned; further, it had available capitalist prices as set on the world market. The existence of Soviet Russia posed no threat to Mises's and Hayek's case.

Although a confirmed socialist like Mr. Schweickart cannot help but on occasion wax nostalgic over the Workers' Paradise, nevertheless, in his sober moments he acknowledges the force of the argument.

The author redefines socialism so that it no longer entails central planning.

What then is he to do? Will he overcome his inclination in favor of central planning and embrace capitalism? Perish the thought! Our ingenious author redefines socialism so that it no longer entails central planning. Instead, he favors a system he grandiloquently terms Economic Democracy. In it, production takes place in firms owned by workers. The state coordinates these firms through its control of investment, but there is no central planning of the sort that Mises and Hayek have refuted.

The problems of this scheme are well brought out by Hillel Ticktin. But before turning to his comments, I shall add a difficulty of my own. This problem, one may be sure, would not appeal to Messrs. Ticktin and Ollman, despite their opposition to cooperatives, since it strikes at the heart of socialism. Suppose that Mr. Schweickart were right that cooperatives greatly exceed in efficiency standard-model capitalist firms. Nothing prevents cooperatives from developing on the free market and (if Mr. Schweickart's view about their superior efficiency is right) supplanting firms owned by capitalists. The fact that this has not happened suggests that cooperatives are not the paragons of efficiency that Mr. Schweickart imagines.

Mr. Schweickart's response (besides calling me a mean-spirited reactionary) is obvious. He will counter that the capitalist-controlled state and banking system would strangle an incipient cooperative commonwealth in its cradle. In point of fact, precisely the opposite is the case. In spite of large tax advantages cooperatives have never succeeded in making much headway in capitalist economies. It is not necessary to confront fantasies of capitalist resistance: cooperatives characteristically fail to rise to the level at which such resistance would have a point.

Suppose, though, that one ignores this argument, as I am sure Mr. Schweickart will be happy to do. The question remains: why does he think that cooperatives are desirable? Mr. Schweickart has a reason, but it is one that most readers will I suspect find unappealing.

The reason in question is the great economic success of China under a system controlled by worker-owned firms. "This 'incoherent' market socialist economy has been strikingly successful, averaging an astonishing ten percent per year annual growth rate over the past

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fifteen years." (p. 8). Mr. Schweickart does find one fly in the ointment: "China is not inspirational now the way Russia was in the aftermath of the Bolshevik Revolution, or as China was for many on the Left in the 1960s or as Vietnam or Nicaragua or Cuba have been" (p. 8). Well, you can't have everything.

Our author has not managed to think of a ready-to-hand explanation for China's "astonishing" growth rate. China under Mao made such a mess of things that any move toward normality will generate substantial growth rates. (If you blow up your house and then rebuild it, your growth rate will be very high.) I hardly think this is much of a point in favor of the Chinese economy.

Even if Mr. Schweickart's case for cooperatives is weak, his arguments have not been theoretically refuted. What can be said against them? Here Mr. Hillel Ticktin, a Trotskyite and an expert on the history of Bolshevik economics, contributes something of value. Like Mises, though from an opposite perspective, Mr. Ticktin argues that socialism and capitalism do not mix.

"The Marxist answers that market socialism cannot exist because it involves limiting the incentive system of the market through providing minimum wages, high levels of unemployment insurance, reducing the size of the reserve army of labor, taxing profits, and taxing the wealthy. As a result, the capitalists will have little incentive to invest and the workers will have little incentive to work. Capitalism works because, as Marx remarked, it is a system of economic force. In market socialism, that force is insufficient to provide an incentive to make the system work" (pp. 60–61).

Mr. Ticktin goes further in his apparent Misesianism. He remarks that in a socialist economy, "any privacy would be purely artificial. In this respect...Mises was correct against Lange, in their well-known debate on calculation in a socialist society" (p. 160).

If you blow up your house and then rebuild it, your growth rate will be very high.

Given Mr. Ticktin's insights, a question will no doubt have occurred to you. Why did I include him among the crazies? Is he not entitled to exemption, along with his market socialist opponent Mr. Schweickart? Do we not have here another example of my usual meanness of spirit?

I venture to hope that further exposure to Mr. Ticktin's profundities will reinforce my original verdict. True enough, he thinks, a socialist system cannot calculate; but so what? Calculation through prices is needed only under capitalism, where the law of value obtains. (By this he means that in capitalism, the value of a good is the socially necessary labor-time needed to produce it.) Socialism abolishes the law of value, and abundance now comes into being.

Scarcity, contrary to bourgeois purveyors of pessimism, is not a permanent feature of the world. Socialism means abundance; and where scarcity does not exist, the lack of a rational method of pricing works no harm. Everyone can have as much of everything as he wishes.

With the other two contributors we may be more brief. Mr. Lawler wishes to show that, although sympathetic to market socialism, he remains a simon-pure Marxist. Not for him the blandishments of revisionism! To prove his orthodoxy, he endeavors to prove that the Master Himself thought that a system of market socialism would prevail during the first stage of socialism. With considerable success, Mr. Bertell Ollman argues that Mr. Lawler has misread his Marx. Both authors are fond of invoking dialectics, and I leave their debate to those interested in such matters, or amused by them. ✦

Rise of the Thought Police

Political Tolerance: Balancing Community and Diversity

Robert Weissberg
Sage Publications, 1998, x + 275 pgs.

Professor Weissberg has taken on, in exemplary fashion, one of the major myths of our age. As everyone

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knows, America is an intolerant society. Political radicals, members of racial minorities, and homosexuals daily confront prejudice and oppression. This situation is of course altogether undesirable, since a democratic society must be open to ideas and groups that offend majority opinion. What is to be done? (The Leninist accents of this question are deliberate.) An elaborate program of education and propaganda must be instituted, aimed at altering the hearts and minds of the benighted populace.

Professor Weissberg assails the picture just presented at every point, in my view with complete success. The surveys that show Americans to be intolerant are deeply flawed in method. In fact, Americans are remarkably tolerant of all the politically correct dissidents. One only has to look at the proliferating diversity of groups that advance unpopular causes in order to bring into question the conventional wisdom on the subject.

Further, a democratic society should not be tolerant to an unlimited degree; tolerance is one of several competing values, as the great political philosophers who have written about tolerance recognize. If it is thought necessary to promote tolerance, a "hearts and minds" approach is just what we do not want. This leads to totalitarian control: only an approach that confines itself to behavior is consistent with a free society. Fortunately, if we accept the external behavior approach to tolerance, there are effective steps that can be taken. These include separation of groups liable to come into conflict.

As you can see, our author is in close competition with Professor Michael Levin as the most politically incorrect academic of the past fifty years. He begins with a discussion of a number of studies that purport to show deep-seated intolerance in American society. These studies, the most famous of which is Samuel Stouffer's *Communism, Conformity, and Civil Liberties* (1955) proceed in the following way. People are polled on such questions as "Would you allow a Communist to teach in your local school?" and myriad other hypotheticals. The results, it is alleged, show widespread intolerance. Most people, it appears, would not allow Communists or open homosexuals access to their schools.

A democratic society should not be tolerant to an unlimited degree; tolerance is one of several competing values.

Professor Weissberg finds the procedures of these surveys radically deficient. People's behavior in concrete situations may differ sharply from casual answers to situations confronted only as abstract possibilities. "Unfortunately, the inherent nature of the random sample-based opinion poll is ill-suited to study the objects of hatred.... Of 1,500 respondents, a goodly number for a poll, those with controversial views will probably number less than a dozen. Moreover, these data would still be opinion data, not the hard experiences defining the meaning of intolerance" (p. 49).

If Professor Weissberg is right, tolerance surveys fail to prove that America is an intolerant country. But of course it does not follow that we are a tolerant country. Nevertheless, our author embraces the wider conclusion. He largely relies on a simple fact. The views and groups allegedly not tolerated seem to be thriving.

"If one hypothesizes that loathsome Marxists and sexual politics groups are on the endangered species list...[Laird] Wilcox's compilation advertises otherwise. A simple count reveals 1,122 separate Marxist socialist groups and 495 Feminist–Gay organizations of one type or another in 1988.... A cursory overview of this listing suggests that joining a widely untolerated controversial Marxist or sexual politics group would be relatively convenient... Nor are these groups safely concentrated in large urban groups associated with renowned radicalism" (pp. 116–117).

One might raise an objection to our author along these lines: It does not follow that if a minority group has many organizations that its members are widely tolerated. There were in the 1930s several Jewish cultural organizations in Nazi Germany, but it would be rash to conclude on this basis that Nazis tolerated Jews. Nevertheless, given the vast abundance of radical and minority organizations our author has documented, the burden clearly rests on those who would indict us as narrowminded.

But suppose that Professor Weissberg is wrong and that the surveys of Samuel Stouffer and his successors correctly depict American

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society. Is this bad? A democracy, our author holds, must balance order and liberty. No society can allow unlimited freedom of opinions and behavior. Tolerance is a value, to be sure; but it must be balanced against competing goals.

Here, I venture to suggest, classical liberals will be most likely to part company with our author. Do we not hold that individuals have absolute rights that are not to be balanced against competing considerations? How a libertarian society would deal with tolerance issues is an important question, but I do not propose to summon Professor Weissberg before a libertarian Inquisition. Rather, on the ground he has chosen, that of democratic political thought, his position cannot be challenged. Why is tolerance more than simply one value to be assessed against others? Our avid contemporary advocates of tolerance owe us some account of why their favored values should be privileged above all else.

At one point, and it is a central one, I venture to suggest that Professor Weissberg is much more a defender of genuine freedom than the extreme tolerance advocates he condemns. Their "hearts and minds" approach mandates massive and extensive interference with individual liberty. Children are to be continually propagandized, in the name of tolerance, to adopt the "correct" attitudes toward racial minorities and sexual deviants. (My use of the last expression no doubt shows that I am a candidate for "tolerance" brainwashing.) Nor are adults to be spared. On-the-job tolerance training is the order of the day. Surely Professor Weissberg stands closer to classical liberalism than the Thought Police he valiantly assails.

Weissberg is much more a defender of genuine freedom than the extreme tolerance advocates he condemns.

On rare occasions, the author seems to me to go astray. I think, e.g., that he overestimates the extent to which John Stuart Mill accepted violations of his liberty principles. But such details are of minor importance. Professor Weissberg has written an indispensable book on a major issue. ✦

War as Secular Salvation

America's Imperial Burden: Is the Past Prologue?

Ernest W. Lefever
Westview Press, 1999, xi + 196 pgs.

This book rests on a false antithesis. The author, with beguiling charm, declares himself a hard-headed realist and excoriates assorted Wilsonians and do-gooders. Yet the foreign policy he advocates betrays our traditional doctrine of nonintervention and is antipodal to true realism.

Few could quarrel with Mr. Lefever's professed philosophy: "[H]istorical realists emphasize the finite limits of human nature and history. Their approach stems from biblical ethics and from St. Augustine, John Calvin, Edmund Burke, James Madison, and most other classical thinkers. Rejecting all religious and secular utopias, they contend that all political achievements are constrained by resistance to drastic reconstruction" (p. 140).

In contrast with historians like Henry Steele Commager who view America as an endeavor to enact the Enlightenment, our author offers an appropriate corrective: "James Madison, influenced by Calvinist theologian John Witherspoon, emphasized the tenacity of original sin and the potential for corruption in all institutions" (p. 9).

Given this salutary emphasis on realism and sin, one might be tempted to guess that Mr. Lefever's approach to foreign policy would be along these lines: Because human beings are tainted by original sin, they readily grasp at power, cloaking personal ambition in righteous rhetoric. To avoid this snare, government must be strictly limited. Foreign adventures must be avoided: only rigorous adherence to nonintervention properly respects man's nature. In short, America's traditional foreign policy—avoid entangling foreign commitments and wars—would be on the agenda. If power is a sinful temptation, stay away from it: what could be simpler?

Unfortunately, Mr. Lefever does not move from his realistic premise

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to the foreign policy conclusions just suggested. Quite the contrary, he uses his "realism" to defend a policy of massive intervention, both when he evaluates the past and prescribes for the future. One can readily see that something is amiss if one examines the concluding sentence of Mr. Lefever's encomium to historical realism: "Lincoln was the personification of a humane realist" (p. 140).

There you have it. Mr. Lefever begins from original sin and human limits, and he ends with praise for the instigator of the bloodiest war in American history. Is not Lincoln's messianic moralism the antithesis of the respect for human limits our author claims to favor? What has gone wrong?

Much of the answer lies in a single name—Reinhold Niebuhr, a theologian by whom Mr. Lefever has been much influenced. According to Niebuhr, utopian schemes for social reform manifest their authors' corruption by power. In foreign affairs, Niebuhr held, Woodrow Wilson's scheme for replacing power politics with a League of Nations epitomized the illusions of Enlightenment reason.

Niebuhr's stress on original sin raised important issues, but, unfortunately, he, and Lefever following him, drew the wrong conclusions. Original sin taints supposedly rational plans to escape power politics; therefore, politics should "realistically" engage in the struggle for power.

Would it not have been wiser to conclude that, since power politics also is an expression of man's fallen nature, one should steer clear of it, as well as of the Wilsonian schemes Niebuhr rightly condemned? This is all too much for Mr. Lefever. Instead, he credits Niebuhr's thought, along with his experience of the devastation of Europe after World War II, for awakening him from his religious pacifist illusions. Having acquired the wisdom of "humane realism," Mr. Lefever believes himself in a position to pass out grades to past and present American statesmen for their adherence, or lack of it, to Niebuhr's realism.

Is not the natural reaction to the horrors of war revulsion from it, rather than avidity to crusade anew?

As we shall see, Mr. Lefever's evaluation of history partakes more than a little of the bizarre. But before joining our author on his tour through history, I pause to remark two anomalies. First, he states that at Yale Divinity School, "[h]alf of my professors...held essentially the same position [of religious pacifism]. Richard Niebuhr, Reinhold's older brother who taught Christian ethics, was the principal exception" (pp. 52–53). One suspects that Mr. Lefever was not always wide awake during class. In a famous debate in *The Christian Century*, H. Richard Niebuhr criticized his brother for taking leave of pacifism.

More importantly, how can Mr. Lefever possibly claim that seeing the destruction wrought by World War II turned him away from religious pacifism? Is not the natural reaction to the horrors of war revulsion from it, rather than avidity to crusade anew? Here is what our author says: "A month after Hiroshima, I sailed for three years of voluntary relief work in war-ravaged Europe. The overwhelming physical and spiritual devastation there forced me to surrender my pacifist stance and replace it with the traditional Judeo–Christian just war position" (p. ix).

Here we must meet an obvious objection. Is Mr. Lefever quite the fool I have been making him out to be? What is wrong with the just war position? Was not his reaction to Europe's devastation an appropriate one?

Happily for me, the objection cannot stand. By the "just war" position, Mr. Lefever does not mean what Aquinas and Suarez intended. Instead, he means exactly the Niebuhrian immersion in power politics already described. If we are true followers of the great Reinhold, we must see that America's mission is to carry out our imperial mission in proper fashion. If we do the job right, we can attain the glories of the Roman and British Empires. (*This* is what he gets from contemplating original sin?)

Before reaching his sage advice to present policymakers, Mr. Lefever, as I have mentioned, undertakes a historical survey. He gets off to a bad start. As you might expect, he can find next to nothing in the early history of the Republic to lay the groundwork for his imperialist counsel. The Farewell Address is hardly a manifesto for empire.

Our author, however, does not exit the eighteenth century empty-handed. He comes up with this

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nugget: "Alexander Hamilton in *The Federalist* (no. 1) with extraordinary prescience referred to the United States as 'an empire, in many respects the most interesting one in the world'" (p. 10). Our latter-day empire builder is not quite so outrageous, is he? Mr. Lefever stands in good Hamiltonian company.

Our author has neglected to notice that "empire," in the eighteenth century and earlier, often meant a nation not governed by an external power. The term was not restricted to countries that held colonies. Perhaps Mr. Lefever, not hitherto known as a student of early modern Europe, was unaware of this. But simple common sense should have sufficed to tell him that Hamilton cannot be read as a proto-imperialist in the modern sense. Need our author be reminded that when Hamilton wrote, the United States had no colonies and so was not an empire as we use the term today?

Mr. Lefever's history does not really get going until he reaches the twentieth century. Here one must give him credit: he transcends the level of fatuity he attained in his use of the Hamilton quotation. As everyone knows, America's entry into World War I was a watershed in our abandonment of noninterventionist foreign policy.

How does Mr. Lefever deal with this crucial turning point? We. of course. would not expect him to defend nonintervention: his purpose is to attack it. Do we at least get a carefully considered Niebuhrian defense of intervention? Not at all. Mr. Lefever treats Wilson's intervention as if it were a matter of course.

In his coverage of Wilson's war aims, Mr. Lefever mocks a supposedly naive Wilson, blind to the realities of European politics. Yet our supposed realist Lefever offers not one word to justify U.S. entry into the war. Grant him, if you will, his Niebuhrian premises. How does it follow from them that America ought to have joined in the European conflagration? He does not tell us.

> The author's narrative shows a complete ignorance of the historical record.

Our author's performance does not improve when he arrives at World War II. The very existence of opponents of American entry into the war induces in him a mild state of shock. "*Providentially*, the iron grip of American isolationism was finally broken up by Japan's sudden attack on Pearl Harbor. The arguments for a Fortress America collapsed like a ruptured balloon, and our past aloofness surrendered to a demanding common purpose" (p. 53, emphasis added).

Mr. Lefever displays no inkling of Roosevelt's provocative diplomacy that induced the Japanese assault. This aside, what in his view is supposed to be so unrealistic about the isolationist view? Mr. Lefever's response does not inspire confidence. "On a deeper level, the pragmatic interventionists were rediscovering the political realism of classical thinkers from Aristotle onward—especially the need for military power to defend the state.... Journalist Walter Lippmann declared that Britain and the Royal Navy were America's first line of defense." (p. 52).

As Mr. Lefever acknowledges on the previous page, the dominant isolationist position favored a strong national defense. What then is the proof of their lack of realism? An *ex parte* statement by the inveterate Anglophile Walter Lippmann suffices for our author as proof of his case.

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I do not think it necessary to recount in detail our author's story of the cold war. Mr. Lefever relentlessly refights the war, with Nixon and Kissinger starring as his Niebuhrian heroes. I find it difficult to imagine either of these worthies contemplating the perils of original sin, guided by the wisdom of St. Augustine. But this may be a failure of imagination on my part. No doubt our author's acquaintance with these eminent statesmen far surpasses my own.

Readers of this bizarre blend of Niebuhrian wisdom and potted diplomatic history will, if our author has succeeded, be equipped to confront America's imperial burden. Those with at least a dash of skepticism will I trust see that Mr. Lefever's case for imperialism rests on nothing at all. ✦

Myth of the Voluntary State

Post-Socialist Political Economy: Selected Essays

James M. Buchanan
Edward Elgar, 1997, ix + 285 pgs.

Professor James Buchanan, the 1986 Nobel Laureate in Economics, has achieved fame through public choice economics, which he, together with Gordon Tullock, invented. According to this discipline, economic analysis does not stop with market participants. The state consists not of impartial arbiters, but of agents anxious to advance their own interests. Professor Buchanan applies his insight into politics to great effect in one area of American politics. Unfortunately, he fails to develop this insight, and several others almost as important, to the fullest extent possible.

If politicians avidly pursue their own interests, what are the rest of us to do about this?

If politicians avidly pursue their own interests, what are the rest of us to do about this? One response, that of libertarian anarchists such as Murray Rothbard, suggests getting rid of the state altogether; but this is entirely too radical for the public choice school. Rather, it suggests that the malign effects of self-seeking politicians can be considerably alleviated through a federal system.

If political power is decentralized into small units, and a country's citizens enjoy the right to move freely among these units, then competition limits governmental abuses. If, for example, a state imposes high taxes on corporations in its jurisdiction, they will flee to more congenial climates.

All this is hardly news, but Professor Buchanan applies the federalist point in a way that illuminates a crucial period in American history. He writes: "We know now that the Madisonian enterprise [of federalism and limited government] failed. The great American Civil War removed forever the threat of secession by the states. This basic constitutional change more or less insured that, eventually, the United States would be transformed into a centralized majoritarian democracy with few, if any, checks on ultimate political authority. In this modern setting, democracy dominates society" (p. 220).

Well said! But if one adopts this perspective, will not the Rothbardian position soon follow as a reasonable extension? If states may secede from the Union, why may not individuals secede from the state? I do not suggest that there is a logical contradiction in defending state secession but rejecting an individual's right to secede. But does not the same reasoning that sees secession as a deterrent to oppression by the central government also suggest that the right of individual secession limits the power of the states to do bad? If not, why not?

And if individuals may secede, have we not in effect arrived at a Rothbardian position, in which individuals do not surrender their natural rights to a state at all? But this view Buchanan rejects as extreme. Or does he?

In one brilliant essay, he seems to transcend his customary perspective of "constitutional political economy." He speaks favorably of self-ownership, the key theme of Rothbard and his followers. "We can refer to private ownership in person, in the individual's own capacities to produce economic value. Such property-in-person

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exists when the individual is at liberty to choose when to submit to the direction of others concerning the use of his or her own labor services and when there exists also freedom to choose among locations, occupations, and professions, both as offered by the market and as potentially created by the individual's own entrepreneurial initiative" (p. 193).

Our author, I fear, is no master of English prose, but it is the thought that counts. He takes the second crucial Rothbardian step also, as the passage just quoted suggests. He recognizes that individual self-owners may acquire rights to property. These rights are valued by the individuals as a means of enhancing liberty. Unlike Chicago school economists, Professor Buchanan does not view property titles solely as a means to maximize efficiency. "[P]ersons desire ownership of property in order to secure and maintain liberty over the disposal of resources, without which liberty there could be no hope of bettering the conditions of life" (p. 192).

Before I go on with the line of argument Mr. Buchanan's defense of liberty and property suggests, allow me a digression. (After all, this is my publication.) The Canadian political philosopher C.B. Macpherson once raised an interesting objection to the free market. Proponents of the market, Macpherson noted, claim that individuals in a laissez-faire economy are free to make any exchanges they wish. All voluntary transactions, then, take place only if all participants expect to benefit. Perhaps so, said Macpherson, but are individuals free to leave the market altogether? How many people can become fully self-subsistent farmers? And if you are not free to exit the market, is your freedom to exchange as significant as advocates of capitalism think?

Professor Buchanan does not mention Macpherson, but several of his remarks enable us to construct a reply to the objection. He points out that ownership of long-term assets reduces direct dependence on the market. "Consider ownership of a house. As the owner of this asset that yields services over time, the individual is producing these particular services for himself or herself. To the extent that self-production is made possible, the owner is insulated from direct dependence on the market" (p.194). Macpherson failed to see that exit from the market need not be total. The force of his objection to the market is thus blunted.

Although Professor Buchanan travels a good deal down the road with Rothbard, he stops short.

But this is by the way. Although Professor Buchanan travels a good deal down the road with Rothbard, he stops short. He rejects complete laissez-faire because of that dread specter—public goods. As our author sees matters, individuals must be coerced, in some cases, to do what they themselves recognize as in their own collective interest.

An example will clarify what Professor Buchanan means. If I hire a policeman to protect my house, his presence also helps you, if you are my neighbor. Prospective burglars who see him will probably avoid your house as well as mine. An externality results: any neoclassical theorist worth his salt can readily show that the market outcome is "inefficient."

Is there not available an easy escape? Why not an agreement by the concerned individuals to produce the public good—in our example, protection—at the optimal amount? Unfortunately, matters are not so simple. Individuals who make such an agreement might find it rational to break their word. If I can get a public good without paying for it, will I not be better off than I would be if I had paid the share agreed upon? Unfortunately for me, everyone else is in the same position. Since each of us foresees that it will be rational for each of us to renege on an agreement to produce a public good, no such agreement will be made in the first place. The result will be, *horribile dictu*, a nonoptimal supply of public goods.

Here, in Mr. Buchanan's view, the state comes to the rescue. By forcing people to adhere to their agreements, public goods are produced in amounts most beneficial to all. Optimality is at hand: all is for the best in this best of all possible worlds.

What is one to make of this? Arguably, self-owners in Rothbard's sense can voluntarily agree to establish an agency to compel them to observe an agreement. But unless someone actually joins in such an arrangement, force against him cannot be justified. To claim that he would have entered into an

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agreement, had he been rational, does not suffice. Nor does it suffice if the majority of people in someone's society accept an arrangement: so long as a person has not explicitly consented, an attempt to compel him to contribute to a public good violates his rights.

So, at any rate, a consistent supporter of self-ownership will argue. The upshot, of course, is that no actually existing state respects people's rights, since there has never been the explicit agreement oncoercion that self-ownership mandates.

Professor Buchanan, I regret to say, wants to have it both ways. Even though he recognizes that in existing states, there has been no actual agreement by everyone to use the state as a coercive agent, he nevertheless retains the agreement or exchange model. "At this point, those who defend contractual or exchange models find it useful to introduce conceptual as opposed to actual agreement as a device for retaining some explanatory value.... Could the existing rules that define the overall operations of the polity have been agreed upon by all citizens if, indeed, there could have been some imagined initial dialogue? At this point, the potential conflict among the separate interests of persons and groups is mitigated by resort to constructions that introduce a veil of ignorance or uncertainty" (p. 176).

To his credit, Professor Buchanan recognizes that hypothetical consent poses problems, and he also finds attractive a Hobbesian view of the state as a predatory agency. Yet at the end he refuses to abandon the "exchange" model; and he is left with the nonsense-concept of a state that is coercive but nevertheless voluntary. ✦

Society Without a State

Against Politics: On Government, Anarchy, and Order

ANTHONY DE JASAY
LONDON: ROUTLEDGE, 1998,
256 PGS.

Anthony de Jasay is one of the few genuinely original thinkers in contemporary political philosophy. Like James Buchanan, he begins from the public-choice approach. Unlike his eminent colleague, he endorses full laissez-faire.

To do so, he must confront a formidable obstacle. Most members of the public choice school contend that a state is necessary: they view libertarian anarchists such as Murray Rothbard as idle dreamers. The starting point of the school is self-interested rational actors. All social institutions, the school holds, must be explained in terms of individuals' choices.

Absent a state, why would I ever keep an agreement I had made with you to do something for you in the future, in return for your present payment? A familiar argument from game theory shows that in many circumstances, defection pays. Only an external agency of coercion, the state, can enable a system of social cooperation to get off the ground.

Against this popular view, Mr. de Jasay deploys an ingenious argument. If we cannot trust rational individuals to keep their agreements, why should we trust the state to exercise its job of enforcement as rational actors intend? The agents of the state are themselves self-interested actors, no more altruistic than anyone else.

"It is crucial to the understanding of the putative resolution of the dilemma of contract [by an external agent]." Mr. de Jasay writes, "that while an enforcing agent can, under certain conditions, enable the parties to pass from n-person non-cooperative to (conflictually) cooperative games by entering into binding commitments, the interaction between the agent and either party remains a two-person non-cooperative game. Nothing proves the possibility of a binding contract between the parties and enforcing agent; there is no meta-agent that could, and would, enforce this contract" (pp. 18–19).

Anthony de Jasay is one of the few genuinely original thinkers in contemporary political philosophy.

I have included this long quotation to give readers a taste of Mr. de Jasay's style. He is a rigorous thinker, whose work demands close attention. And it appears that our author will have to exercise all his rigor and ingenuity to extricate himself from a predicament. Most

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public-choice theorists, to reiterate, argue that a state is needed to enforce contracts. Mr. de Jasay argues that a state will not solve the difficulty: an agreement to form a state will give rise to the same problems its establishment was supposed to resolve.

Has not our author printed himself into a corner? If individuals cannot enter into enforceable contracts, and the state cannot do so either, what is left? Are rational actors doomed to a Hobbesian war of all against all?

Our author discovers an escape. It is the initial argument of the public-choicers that is at fault. Contrary to James Buchanan and many lesser eminences, it is sometimes rational for self-interested agents to enter into binding contracts, and to keep them, without the aid of an external agent. No state is needed to generate law enforcement and other public goods.

How can this be? The argument to the contrary appears ironclad. Suppose I offer to trade you one of my apples for one of your oranges. Should you be dense enough to fork over your orange, why should I now give up my apple? If I do not, I shall have both an apple and an orange.

You, of course, are in fact no such dolt as our conjecture supposes. You realize what will happen and do not surrender your orange. Thus, no exchange at all takes place, even though, by hypothesis, each of us would have been better off had we been able to carry through this simple act of barter. For supposedly rational agents, we have not done very well. But how is the dilemma to be escaped?

Mr. de Jasay maintains that the argument just given errs by taking bargains one at a time. True enough, if only one exchange between two persons takes place, it will be rational for each to violate the terms of an agreement to exchange goods.

Take the money and run! You won't be seeing your trading partner again. If, however, we do not confine our attention to single exchanges, "one-shot prisoner's dilemmas" as the trade jargon has it, the situation looks entirely different. If you think it likely that you will be involved in a series of exchanges with someone, then it is indeed rational for you to keep your promises. If you do not, others will not make contracts with you in the future. The "rational" contractors we have imagined, who always find promise-breaking in their interest, are in fact short-sighted.

If individuals cannot enter into enforceable contracts, and the state cannot do so either, what is left?

Further, if it is rational to keep bargains, why do we need a state? Our author's earlier argument has shown that if agreements cannot be enforced, the state cannot help: his new argument shows that one does not need a state to enforce contracts. Why then establish one? It is either unneeded or futile. (Of course, if one is established through agreement, de Jasay's second argument seems to show that this agreement can also be kept.)

I am inclined to believe, but am not at all sure, that Mr. de Jasay's argument that the state is superfluous is correct, on the assumptions he sets forward. It all depends, it seems to me, on what view one takes about the force of the backward induction paradox under uncertainty. Fortunately for readers, I am not going to explain this, in large measure because I doubt my own grasp of the issues. Suffice it to say that, given his starting point, Mr. de Jasay makes a good case.

But is his starting point the best one to adopt? Mr. de Jasay attempts to derive all human institutions, to reiterate, from the behavior of rational self-interested actors. In particular, ethical principles, on this view, are not true in themselves: they must be derived from self-interested behavior that does not presuppose them.

If, then, I do not steal your wallet, I refrain not because I see that theft is intrinsically wrong. Rather, I see that it is in my self-interest to bind myself to a rule against theft, provided that enough others do the same.

This view rests squarely on ethical skepticism. If ethical principles are true, then the question of belief does not depend on self-interest. Just as I believe that "2+2=4" because I see that it is true, so, I should contend, I accept "theft is wrong" because I see that it is true.

Mr. de Jasay rejects this sort of ethical rationalism. In his view, no interpersonal agreement can

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be reached on "value judgments." We can ask whether value judgments are consistent; but the individual value judgment, as such, is incapable of being assessed by reason. "It is perfectly possible for me to share your value judgments, but it is never intersubjectively compelling for you to share mine, never a matter of straight practical inference, and never a bow to the rules of rationality" (pp. 70–71).

Mr. de Jasay's skepticism appears to land him in another predicament. He strongly supports the free market; but on his own view of ethics, why should anyone with value judgments of a different kind from his care about this? If I have authoritarian value judgments, why should I not try to impose them on Mr. de Jasay? From an objective point of view, these value judgments are no better, and no worse, than his own.

As you might expect, Mr. de Jasay has an ingenious response. In a situation where value judgments clash, we should adopt a position of "moral minimalism." Is it not reasonable to assume that we should be free to act as we like, provided that I harm no one else? If I do not care for Mr. de Jasay's writing style, the burden of proof is on me to show that he must change it. If I cannot do so, he is free to write as he wishes.

I cannot think that this proposal solves the difficulty posed by conflicting value judgments. Let us grant him his premise that you are at liberty to do something unless it can be shown that you are required not to do it. It does follow that you have a liberty–right to perform the act in question. That supposes that everyone else has an obligation not to interfere with you. And to show this requires showing that their liberties may be restricted. At most, our author shows that while absent argument to the contrary, I am free to act as I like, others are also free to try to stop me. That may be acting as they like.

Agree with him or not, one can always learn a great deal from the work of Anthony de Jasay. As Mr. N. Stephan Kinsella has noted, Mr. de Jasay is a master of criticism; perusers of his essays on Karl Popper and F.A. Hayek in this collection will encounter a polemicist of formidable gifts. Let us hope he does not see this review: if he does, I am in for it. ✦

Love Thy Neighbor, or Else

A Life of One's Own: Individual Rights and the Welfare State

David Kelley
Cato Institute/National Book Network, 1998, vii + 176 pgs.

Mr. Kelley undertakes a vital task in his excellent new book. As everyone knows, the welfare state costs a great deal of money. "In 1930 governments at all levels [in the United States] spent $8 billion (measured in 1995 dollars), or about 1 percent of the gross national product, on all welfare programs. By 1990 the sum had grown to nearly $900 billion, or 13.4 percent of GNP" (p. 4).

Proposals to cut or eliminate welfare must confront a formidable intellectual obstacle. According to many philosophers and political theorists, people have a moral right to receive welfare. Moral rights, contrary to classical liberals, are not confined to "negative" liberties, the rights to be free from coercion. On the contrary, rights are "positive" as well. People have rights to the provisions of certain goods and services.

Once you learn that Mr. Kelley is a follower of Ayn Rand, you have all you need to know how he will view the controversy.

Once you learn that Mr. Kelley is a follower of Ayn Rand, you have all you need to know how he will view the controversy. He mounts a formidable assault on welfare rights, and most of his arguments seem to me right. Unfortunately, he has left a gap through which welfare rightists may escape.

Supporters of welfare rights do not usually overtly oppose liberty rights (except, of course, the right to acquire property). They will, rather, argue in this way: without food and a place to live, what good is your right to free speech? People need civil liberties, but they also

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need a certain minimum provision of goods. As everyone knows, but leftists never tire of reminding us anyway, Anatole France once said that a rich man and a beggar are equally free to sleep on a park bench at night. This example is somehow supposed to show that liberty rights without welfare avail little.

Mr. Kelley argues that to call both claims to freedom of action and to welfare "rights" blurs an important distinction. No one chooses from an unlimited set of options; the constraints of nature and our surroundings restrict our "feasible choice set." To protest that we must choose only from given alternatives shows ignorance of the human condition. But, given our alternatives, others may attempt to remove one of our options by the use or threat of force.

In Mr. Kelley's view, the distinction between the natural limits to choice and the imposition of force is decisively important: "Freedom always involves the capacity to choose among a range of alternative actions. In that sense, freedom is a positive concept. But it is also a negative concept: the freedom to choose exists as long as no one interferes with the choice coercively, using force to prevent the person from selecting one of the alternatives....The concept of positive freedom arises from an invalid attempt...[to say] that the presence of certain options among one's alternatives is equivalent to freedom of choice among one's alternatives and that the absence of an option is equivalent to coercive interference with one's freedom" (pp. 67–69).

Let us return to Anatole France's beggar. If he lacks money for more suitable lodging than a park bench, his freedom has not been taken away. His options are limited and bad; but no one uses force against him.

A defender of welfare rights might respond to Mr. Kelley in this way: "You are right. The distinction between choice among a set of alternatives and forcible removal of a number of that set is a good one, and you have convinced me that we should not use the same word 'freedom,' to designate both of these. But why does it follow that there are no welfare rights? Why must rights rest on the negative sense of freedom that you have taken pains to distinguish?"

Being unfortunate or disabled confers no right to conscript the labor or possessions of someone better off.

Here our author has a ready response; and this to my mind is the best part of the book. If someone has a welfare right, then others must produce the goods to which he is entitled. No doubt you are by now thoroughly sick of the beggar sleeping on the park bench, but let us return to him one last time. If he is moved to a room in the Waldorf-Astoria, someone must provide the new accommodation. That person is being compelled to labor for the unfortunate denizen of the park. Being unfortunate or disabled, in the author's view, confers no right to conscript the labor or someone better off.

Here we reach bedrock. To conscript labor, our author contends, is to treat the person conscripted to service exclusively as a means, not as an end in himself. In brief, this violates the basic principle of interpersonal morality: "The moral code of altruism, and the notion of a right to welfare that is based on it, is incompatible with the principle that the individual is an end in himself who may not be used against his will" (p. 99).

Mr. Kelley shows that some philosophers who defend welfare rights readily acknowledge that their favored measures entail forced labor. "Philosopher Richard Arneson claims that 'in some circumstances, forced labor can be a morally acceptable state policy' because the needy have a genuine ownership right in the productive members of society—an ownership right that, he acknowledges, is comparable to the right that feudal lords claimed in their serfs" (p. 98). Professor Arneson, I might add, is very well thought of indeed among the dominant elite in political philosophy today: he is one of several acolytes buzzing round the throne of John Rawls.

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Liberty rights of the sort our author supports have no such onerous consequences. The beggar on the park bench (I know I promised not to mention him again, but I was being Clintonian) has the same liberty rights as anyone else. I have no right to assault him, but this fact does not make me his slave. I need not work for him: I am mandated only to leave him alone.

So far, so good: the case against welfare rights seems complete. Why then did I claim earlier that Mr. Kelley has left advocates of welfarism with an escape? (You may answer because I like to make trouble. Perhaps you are right, but I certainly do not intend to acknowledge this.)

The gap in our author's argument, as it seems to me, is this. He ably shows that the needy have no right to conscript the labor of others. But why may they not take part of the property of others? "Idiot," you will answer, "because to do so violates property rights." But here precisely is the problem. Mr. Kelley has neglected to offer a justification of property rights immune from the touch of the needy and their self-appointed spokesmen. For all Mr. Kelley has shown, we can own property only subject to the claims of the poor.

If so, our beggar—yes, he's back—can say to Mr. Kelley: "I have no right to force you to labor for me. But I am entitled to some of your property. You acquired it subject to the proviso that I, and others like me, can periodically demand a handout." Of course, I do not for a moment believe that the beggar is right: I would hardly be editor of *The Mises Review* if I did. But the point is that some justification of property rights must be added to what Professor Kelley has so ably given us.

Benevolent actions reflect a generous character: they are not duties that may be enforced against us.

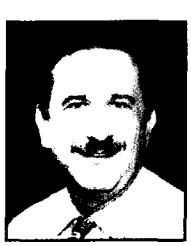
Here I confess to an ulterior motive. Randian philosophers do not to my mind do an adequate job of justifying property rights, and I am using Mr. Kelley as an excuse to introduce a hobby horse of my own. Randians tend to argue that owners of property create, as economic assets, the resources to which they lay claim. Whether Mr. Kelley adopts this line I do not know.

To return to our author's case, he next considers another justification for welfarism. Perhaps we have been looking at matters from the wrong angle. Rather than begin with the rights of the needy, should we not instead start with the duties of benevolence and generosity? Are we not obligated to help those less well-off than ourselves?

Professor Kelley has no quarrel with the notion that benevolence and generosity are virtues; but their invocation does not suffice to make the welfarist case. Benevolent actions reflect a generous character: they are not duties that may be enforced against us.

Our author tends to think that the contrasting view, which holds that we have a duty to be altruistic, rests on a misapprehension: "Those attitudes [of altruism] often spring from the assumption that the interests of people generally conflict... That the stronger and more able flourish at the expense of the weaker and less able.... Society must not make benevolence, generosity, service, and self-sacrifice the central virtues...lest the grounds for cooperation and peaceful coexistence be destroyed by conflict, lest man become a wolf to man" (p. 93).

Against this, our author argues that human interests are harmonious. But it is not this aspect of his argument I wish to challenge. Rather, his explanation for the view that altruism is a duty begs the question in that it presupposes the



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truth of a version of egoism. If interests conflict, shared values must be inculcated in order to insure the survival of the group. Benevolence, etc. are valuable for the functions these dispositions perform. But why must benevolence be justified in terms of some more self-serving value, whether individual or group? What if one does not start from Professor Kelley's egoistic premise?

David Kelley's work always merits close attention from those interested in liberty. I commend to readers his neat demolition of "communitarian" arguments for welfarism. ✦

The Language of Law

The Constitution and the Pride of Reason

STEVEN D. SMITH
OXFORD UNIVERSITY PRESS, 1998,
XIII + 203 PGS.

Professor Smith has written a book that is an excellent example of a type of scholarship it is at pains to criticize. As our author sees matters, many modern constitutional law professors produce "elaborate, exotic" works (p. vii). Academic lawyers, seduced by the "pride of reason," have erected complex edifices that lack proper foundation. Mr. Smith's own book, though not without its insights, is itself a convoluted structure. It does not really come alive until Part II, an assault on a certain style of modern constitutional interpretation.

Our author begins with the Enlightenment. The framers of the Constitution were, he maintained, imbued with faith in reason. They inhabited what Carl Becker called "the heavenly city of the eighteenth-century philosophers." The framers viewed the world as the creation of a rational God. "The critical point is that if Nature is the product of 'mind', then it may be commensurate with or accessible to 'mind'" (p. 8). Further, our grasp of nature is not limited to descriptive matters of fact. Quite the contrary, nature also provides a guide to what ought-to-be.

"If the world was the product of a supremely wise and benevolent Providence," he writes, "then there could be no radical divergence between the is and ought" (p. 22). Human beings, then, have the power to analyze the way nature works. From this grasp of nature, laws of ethics may be deduced.

What has all this to do with the Constitution? Everything, according to our author. The framers of the Constitution viewed themselves as occupants of a unique position. They were designing a government from scratch: unlike previous governments, their product, if rightly designed, would not be the passive result of force and chance. Matters in Mr. Smith's tale now get more complicated. Although man is a being endowed with reason, most men, at least most of the time, are not governed by reason. Just the reverse: "in the framers' view, the power of reason was not the whole, or even the dominant characteristic, of human nature. There is also a darker side. More specifically, it is human nature to crave, and to exercise, power" (p. 37).

The framers believed that they themselves were, perhaps uniquely, at their moment of conviction acting rationally. But how could they ensure that their successors, dominated by power and passion, would carry out their wishes? Further, if human beings were governed by passion and power, on what basis did the framers exempt themselves?

The authors of the Constitution said little about the latter problem, but they had a strategy to cope with the former. They wrote the Constitution, not as a statement of general principles, but as a detailed specification of enumerated powers.

If human beings were governed by passion and power, on what basis did the framers exempt themselves?

Regardless of whether Mr. Smith's account of reason at the convention is correct, the Constitution is indeed a legalistic document that largely sets forward enumerated powers. Further, as Mr. Smith is at pains to emphasize, the framers' plan to restrict power did not work. Disputes between the Hamiltonians and Jeffersonians

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soon arose over interpretation of the enumerated powers. For whatever reason, the Constitution we have today is not the document the framers intended us to have. What are we to do?

Mr. Smith proffers no solution of his own. (In two notes, he suggests that natural-law and common-law styles of interpretation merit exploration.) Rather, he is concerned with how contemporary constitutional lawyers deal with the crisis of meaning.

He sees current constitutional law as dominated by a fundamental fact: belief in nature as a source of norms has ceased for most intellectuals to be an option. Natural law, in McTaggart's phrase, is "one with the gorgons and the harpies." But this has had a surprising consequence.

One might have thought that the collapse of natural law would bring to an end attempts to subordinate the Constitution to alleged dictates of reason. On the contrary, Mr. Smith holds, it has intensified them. No longer bound by nature, constitutional "experts" are free to excogitate rules of reason as they please. And this they have done with a vengeance.

"It is revealing," Mr. Smith contends, "that in the writings of prominent constitutional scholars like Ronald Dworkin and Robin West, the original Constitution virtually disappears" (p. 53). Without a mooring in nature, the search for constitutional reason is arbitrary.

Our author has located a weak point in much current moral and legal philosophy. If a writer proceeds, like Ronald Dworkin, from certain beliefs that he considers reasonable, in what sense is he a believer in moral truth? Is he not building sand castles out of his own intuitions? Mr. Smith's criticism of many self-styled greats in constitutional law strikes home, and it is here the main value of the book lies. If only Mr. Smith had managed to raze some of his own sand castles, his book would have been substantially better. ✦

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